VHL Holdings Limited (VHL) Submission

1. VHL have submitted 3 maps marked V3-M1, M2 and M3 and 9 photos marked V3-P1 to P9 by way of evidence.

2. VHLVHL owns 470 ha at Te Kowhai on which it has 14 houses and operates a dairy farm.

3. Only a very small portion of land including forest is impacted by the Inner Horizontal surface (IHS) IHS as shown in Maps 1, 2 and 3. Maps 2 and 3 haves been supplied by WDC and NZTE Ltd respectively.

4. Map 1 is an excerpt from VHL's own farm map which shows a satellite picture of the same effected area. A hand drawn semi-circle has been added showing the estimated IHS outer perimeter and its impact inside the VHL boundary. Also marked is the Trig just outside VHL's boundary.

5. The pine trees inside the IHS and the nearby trig and VHL boundary are visible in the pictures submitted P1 – P9.

6. P1 – P4 are viewing the trees from the SE while inside VHL boundary.

7. P5 – P6 is a view from the highest points of the VHL property NW of the pines right beside the trig.

8. P5 looks back down the hill to Te Kowhai airport, the white buildings left of centre in the distance. (We note the Magwick pine tree block on the L of the picture that is the subject of a submission).

9. P6 is the trig just over the batten fence being the VHL property boundary.

10. P7 – P8 is looking back from the trig to the same block of pines.

11. P9 is within the block of pines showing the height of the mature trees.

12. VHL's main objection to IHS is that the natural contour of its land and indeed the trees planted within the HIS exceed the height restriction of 45m stipulated in the IHS and VHL doesn't want its quiet enjoyment of its land compromised regarding the heights of our trees, the land itself or any building it chooses to erect on our land. We note that the Section 42A Report prepared by Emma Ensor dated 29th January 2021 has recommended the submission of VHL "such that the inner horizontal surface is reduced in size" (Para. 336).

13. Subsequent to submission of our maps and photographic evidence VHL met with NZTE and at our request they provided a LINZ summary of the trig station depicted on Map 1 and photo 6

14. The trig is at 89m above sea level and the Te Kowhai aerodrome run way is at approx. 30m above according to NZTE meaning the bottom of the trig is some 12m above the IHS inner horizontal surface (89-2-45-30 = 12m). Both the VHL land and trees are therefore above the proposed maximum limit.

15. The VHL trees are estimated at another 10m – 15m above the trig bottom so a total technical incursion of 22 – 27m above the 45m inner horizontal surface.

16. The pine trees are mature but VHL does not have any intention of harvesting them, they provide shelter for livestock, they provide a carbon sink that is part of the Emission's Trading Scheme and contribute to the aesthetics of the VHL farm landscape.

17. VHL notes that evidence has been submitted on behalf of NZTE (David Park para 68) that vegetation should be addressed on case-by-case basis to determine operational significance. Evidence has also been provided that "Existing vegetation has existing use rights" (Para 88 (b) David Serjeant) and Dan Readman in his evidence, para 39 affirms the case by case basis for assessing existing protrusions and in a meeting between VHL and NZTE Ltd Mr. Readman advised they would enter into a land owner agreements in the event that works were required.

18. VHL submits;
    a. that existing use/property rights; and
    b. a case by case assessment of existing or future protrusions; and
    c. if works are required, that should be dealt with by land owner agreements;
        should each be captured by the Variation.

19. VHL are concerned that the WDC may make amendments to the District Plan that dilute its property rights and quiet enjoyment of its land both in relation to existing and possible future uses.

Thank you for providing this forum to present our evidence and oral submission

"G M Burgess"

_____
Geoff Burgess
Managing Director
Vela Holdings Ltd
Date: